

Interim Decision #2018

MATTER OF PON
In Deportation Proceedings

A-10490469

Decided by Board December 31, 1969

An alien who entered the United States as a nonimmigrant visitor upon presentation of a certificate of identity obtained upon a fraudulent claim to United States citizenship, thereby avoiding inspection and determination of admissibility as an immigrant alien, was not "otherwise admissible" at time of entry and, therefore, is ineligible for the benefits of section 241(f) of the Immigration and Nationality Act, as amended [*Matter of Lee*, Interim Decision No. 1960*].

CHARGES:

Warrant: Act of May 24—Immigrant—no visa
Act of May 22, 1918, as amended
Act of Feb. 5, 1917—Did not present unexpired passport.

ON BEHALF OF RESPONDENT: Joseph P. Fallon, Jr., Esquire
30 Hotelling Place
San Francisco, California 94111
(Brief filed)

The case has been certified to us by the special inquiry officer who denied respondent's motion to reopen proceedings for the purpose of applying for adjustment of status under section 245 of the Immigration and Nationality Act. Our careful study of the issues herein persuades us that the motion should be granted.

The respondent originally entered the United States on November 29, 1951, as a nonimmigrant visitor pursuant to section 3(2) of the Immigration Act of 1924. At the time of entry, he presented a certificate of identity issued by the American Consul under section 503 of the Nationality Act of 1940, which certificate was obtained upon the respondent's fraudulent claim to United States citizenship. On January 8, 1953, the United States District Court for the Northern District of California denied re-

*See, *Matter of Yee*, Interim Decision No. 2104.